



**IT IS ORDERED as set forth below:**

**Date: January 7, 2013**

**Paul W. Bonapfel  
U.S. Bankruptcy Court Judge**

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**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

IN THE MATTER OF:	:	CASE NUMBER: 12-76041-PWB
	:	
KENNETH HORNE and LOUWANA HORNE,	:	
	:	IN PROCEEDINGS UNDER
	:	CHAPTER 13 OF THE
Debtors.	:	BANKRUPTCY CODE
	:	
	:	
KENNETH HORNE and LOUWANA HORNE,	:	
	:	
Movants,	:	
	:	
v.	:	CONTESTED MATTER
	:	
FCI LENDER SERVICES, INC.,	:	
	:	
Respondent.	:	

**ORDER**

The Debtors' "Motion to Determine Secured Status of Claim and Release Underlying Liens of Property" (Doc. No. 15) came before this Court for hearing on December 19, 2012. The Debtors seek a determination that the second priority deed to secure debt on the real property, located at 845

Underhill Court, Gwinnett County, Georgia, held by the Respondent, FCI Lender Services, Inc., is completely unsecured and that, because there is no value in the property to which its junior lien can attach, its claim is unsecured and the lien is void pursuant to 11 U.S.C. §§ 506(d) and 1322(b)(2).

There being no opposition to the motion, it is

ORDERED that the motion is granted as set forth herein. It is

FURTHER ORDERED that, for purposes of the Debtors' chapter 13 case, the claim of FCI Lender Services, Inc., secured by a second priority security deed on the Debtors' real property, is allowed as a general, nonpriority unsecured claim. It is

FURTHER ORDERED that, effective upon entry of discharge in the Debtors' chapter 13 case, the second priority lien of FCI Lender Services, Inc., evidenced by a security deed recorded in the Superior Court of Gwinnett County, Georgia, shall be deemed void with respect to the Debtors' interest in the real property without further order pursuant to 11 U.S.C. § 506(d). In the event the Debtors' case is dismissed or converted to Chapter 13, the lien of FCI Lender Services, Inc., shall not be affected by this Order in accordance with 11 U.S.C. § 349(b)(1)(C) or § 348(f)(1)(B), as applicable.

End of Order

Distribution List

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